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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. *2013 - 227*

12 **MICHELLE LEE QUINCY a.k.a.**
13 **MICHELLE QUINCY ALLOTTA**
14 **751 48th Ave.**
San Francisco, CA 94121

A C C U S A T I O N

15 **Registered Nurse License No. 645647**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about September 29, 2004, the Board of Registered Nursing issued Registered
24 Nurse License Number 645647 to Michelle Lee Quincy, a.k.a. Michelle Quincy Allotta
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on November 30, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct

...

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

...”

6. Section 2762 of the Code states:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section,

1 or the possession of, or falsification of a record pertaining to, the substances described in
2 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
3 thereof.

4 ...”

5 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
6 revoke a license on the ground that the licensee has been convicted of a crime substantially
7 related to the qualifications, functions, or duties of the business or profession for which the
8 license was issued.

9 8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
11 licensee or to render a decision imposing discipline on the license.

12 9. Section 118, subdivision (b), of the Code provides that the expiration of a license
13 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
14 within which the license may be renewed, restored, reissued, or reinstated.

15 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licensee found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 CAUSE FOR DISCIPLINE

20 (Criminal Conviction)

21 11. Respondent is subject to disciplinary action under sections 2761(f), 2762(c), and/or
22 490 in that on or about January 25, 2012, in a criminal proceeding entitled *The People of the State*
23 *of California v. Michelle Lee Quincy*, in San Luis Obispo County Superior Court, Case Number
24 M000461297, Respondent was convicted by her plea of nolo contendere of violating Penal Code
25 section 647(f) (disorderly conduct involving alcohol). Respondent was sentenced to probation for
26 one year and ordered to pay fines. The circumstances of the conviction were that on or about
27 May 28, 2011, Respondent was arrested on US-101 near El Campo Road after police received
28 reports of a female with no pants on stumbling around in the number two lane at the location.

1 Respondent was found lying face up in the back seat of a vehicle on the shoulder of the road with
2 no pants on, having urinated through her underwear. She was extremely intoxicated. Respondent
3 was alone in her car, which was still running. During the subsequent arrest, Respondent
4 repeatedly tried to kick an empty liter vodka bottle under the seat; a second liter bottle was also
5 located in the car. She refused to take a field sobriety test, but blood tests taken roughly one hour
6 after the incident revealed that her blood alcohol level was .38 %.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 645647, issued to
11 Michelle Lee Quincy;
12 2. Ordering Michelle Lee Quincy to pay the Board of Registered Nursing the reasonable
13 costs of the investigation and enforcement of this case pursuant to section 125.3 of the Code;
14 3. Taking such other and further action as deemed necessary and proper.

15
16 DATED: *OCTOBER 01, 2012*

for *Louise Bailey*

17 LOUISE R. BAILEY, M.ED., RN
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

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